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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHERYLE T. BERNARD-SHAW,

Defendant.

Case No. F.J. 95-028 FMS

**WRIT OF  
CONTINUING GARNISHMENT**

EMQ FAMILIESFIRST,

Garnishee.

TO: EMQ FamiliesFirst  
Attn: Human Resources  
251 Llewellyn Avenue  
Campbell, CA 95008-1940

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE  
UNITED STATES OF AMERICA PROPERTY IN YOUR CUSTODY, CONTROL, OR  
POSSESSION IN WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS A  
SUBSTANTIAL NONEXEMPT INTEREST.**

The name, last known address, and last four digits of the social security number of the

1 person who is the defendant-judgment debtor ("debtor") in this action and whose property is  
 2 subject to this Writ are as follows:

3 Cheryle T. Bernard-Shaw  
 4 284 S. Dulce Street  
 Tracy, CA 95391-3009  
 Social Security Number (last four digits): 7821

5 This Writ has been issued at the request of the United States of America to enforce the  
 6 collection of a civil judgment entered in favor of the United States against the debtor for a debt in  
 7 the original amount of \$102,988. There is a balance due of approximately \$204,449.63, which  
 8 includes costs and interest computed through February 16, 2010.

9 The following are the steps that you must take to comply with this Writ. If you have any  
 10 questions, you should consult with your attorney.

11 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or  
 12 possession any property of the debtor, including wages, salary, or commissions, in which the  
 13 debtor has a substantial nonexempt interest, or if you obtain custody, control, or possession of  
 14 such property while this Writ is in effect, you must immediately withhold such property from the  
 15 debtor and retain it in your possession until you receive instructions from the Court which will  
 16 tell you what to do with the property. The United States has requested that the sum of 25% of the  
 17 debtor's disposable earnings, which under California law represents the nonexempt portion of the  
 18 debtor's earnings, be withheld from the debtor's earnings.

19 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10  
 20 days after service of this Writ upon you. You must answer the Writ even if you do not have in  
 21 your custody, control, or possession any property of the debtor. Pursuant to 28 U.S.C. §  
 22 3205(c)(4), your answer must state, under oath, the following information:

- 23 a. Whether or not you have in your custody, control, or possession, any property  
 24 owned by the debtor in which the debtor has a substantial nonexempt interest,  
 25 including nonexempt disposable earnings;
- 26 b. a description of such property and the value of such property;
- 27 c. a description of any previous garnishments to which such property is subject  
 28 and the extent to which any remaining property is not exempt; and

- d. the amount of the debt you anticipate owing to the debtor in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original answer bearing the original signature of the person preparing the answer to the Court at the following address:

Clerk, United States District Court  
San Francisco Branch Office  
450 Golden Gate Avenue, 16th Floor  
P.O. Box 36060  
San Francisco, CA 94102.

At the same time you mail or deliver the original answer to the Court, you must also mail or deliver a copy of the original answer to both the debtor and attorney for the United States at the following respective addresses:

Cheryle T. Bernard-Shaw  
284 S. Dulce Street  
Tracy, CA 95391-3009

Stephen L. Johnson  
Assistant U.S. Attorney  
450 Golden Gate Avenue, 9th Floor  
P.O. Box 36055  
San Francisco, CA 94102.

Please note that the attached form answer contains a certificate of service which needs to be completed by the person mailing the copies of the answer to the debtor and the attorney for the United States, and which needs to be filed with the Court along with the answer.

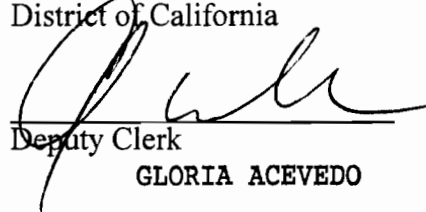
**IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR**

1 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY  
2 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO  
3 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND  
4 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED  
5 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO  
6 APPEAR.

7 RICHARD W. WIEKING,  
8 Clerk of the United States  
9 District Court for the Northern  
10 District of California

11 Dated: 2-23-10

12 By:

13   
14 Deputy Clerk

15 GLORIA ACEVEDO  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHERYLE T. BERNARD-SHAW,

Defendant.

Case No. F.J. 95-028 FMS

EMQ FAMILIESFIRST,

Garnishee.

**ANSWER OF GARNISHEE**

I, \_\_\_\_\_, being first duly sworn, hereby state the following:

1. I am the \_\_\_\_\_ of the Garnishee named in the above caption. (Official Title)

I am authorized to prepare this Answer on behalf of the Garnishee.

2. The Garnishee was served with the Writ of Continuing Garnishment on \_\_\_\_\_ in this action.

3. The Garnishee currently has custody, control, or possession of earnings, money or property of the Defendant. Yes \_\_\_\_\_ No \_\_\_\_\_

1           4.     The Garnishee expects to obtain custody, control, or possession of earnings,  
2 money or property of the Defendant in the foreseeable future. Yes\_\_\_\_ No\_\_\_\_

3           5.     For the pay period in effect on the date of service of this Writ of Continuing  
4 Garnishment, the Garnishee states as follows:

5           a.     Defendant was in my/our employ. Yes\_\_\_\_ No\_\_\_\_

6           b.     The Defendant's pay period is \_\_\_\_weekly, \_\_\_\_bi-weekly, \_\_\_\_semi-  
7 monthly, \_\_\_\_ monthly.

8           c.     The Defendant's present pay period began on \_\_\_\_\_.  
9 ("Present" means the pay period in which the Writ of Continuing  
Garnishment was served.)

10          d.     The Defendant's present pay period ends on \_\_\_\_\_.

11          e.     The Defendant's net wages are as calculated below:

12               (1) Gross Pay                                 \$ \_\_\_\_\_

13               (2) Federal income tax                     \$ \_\_\_\_\_

14               (3) F.I.C.A. tax                             \$ \_\_\_\_\_

15               (4) State income tax                      \$ \_\_\_\_\_

16               (5) Total of tax withholdings           \$ \_\_\_\_\_

17               Net Wages                                     \$ \_\_\_\_\_  
18               (gross pay minus above withheld taxes)

19          6.     Are there any other garnishments currently in effect? Yes\_\_\_\_ No\_\_\_\_ If the  
20 answers is yes, describe below and attach to this Answer a copy of each garnishment:

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_



7. Will the Garnishee owe the Defendant money in the foreseeable future? Yes \_\_\_\_\_  
 No \_\_\_\_\_ If the answer is yes, provide the reason why such money will be owed, the amount of  
 money that will be owed, and the date or dates on which each payment will be due:

<u>Type of Payment</u>	<u>Amount</u>	<u>Date Payment Will be Due</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

8. Does the Garnishee currently have custody, control or possession of property  
 (other than earnings) such as bank accounts, pensions, thrift plans, etc., in which the Defendant  
 maintains an interest? Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, then provide the following  
 information for each item of such property:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Defendant's Interest</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

9. Does the Garnishee expect to obtain in the foreseeable future custody, control or  
 possession of property (other than earnings) such as bank accounts, pensions, thrift plans, etc., in  
 which the Defendant maintains an interest? Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, then  
 provide the following information for each item of such property:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Defendant's Interest</u>	<u>Date Will Obtain Property</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

10. Does the Garnishee have any objections or defenses to the Writ of Continuing Garnishment? Yes\_\_\_\_ No\_\_\_\_ If the answer is yes, list the nature and basis of each objection and/or defense:

I hereby certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EMQ FAMILIESFIRST

Dated: \_\_\_\_\_

By:

(Sign above and type or print name below)



CERTIFICATE OF SERVICE

I, \_\_\_\_\_, declare:

That I am a citizen of the United States and employed in the County of \_\_\_\_\_,  
State of \_\_\_\_\_; that my business address is  
\_\_\_\_\_; that I am over the age of  
eighteen years; and that I am not a party to the above-entitled action;

That on \_\_\_\_\_, I deposited in the United States mails, in envelopes  
bearing the requisite postage, a copy of:

**ANSWER OF GARNISHEE**

addressed separately to each of the following:

Cheryle T. Bernard-Shaw  
284 S. Dulce Street  
Tracy, CA 95391-3009

Stephen L. Johnson  
Assistant U. S. Attorney  
450 Golden Gate Avenue, 9th Floor  
P.O. Box 36055  
San Francisco, CA 94102

at their last known addresses at which place there is service by United States mail.

This Certificate is executed on \_\_\_\_\_, at \_\_\_\_\_.

I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
(Sign above and type or print  
name below)